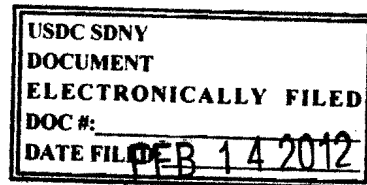


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
:
MICROSOFT CORPORATION, :
:
:
Plaintiff, :
:
:
-v- :
:
:
DATATERN, INC., :
:
:
Defendant. :
:
----- X

11 Civ. 2365 (KBF)
11 Civ. 2648 (KBF)

SCHEDULING ORDER

SAP AG AND SAP AMERICA, INC.,

Plaintiff,

-v-

DATATERN, INC.

Defendant.

----- X
:
KATHERINE B. FORREST, District Judge:

This case has been reassigned to the undersigned for all purposes. Accordingly, it is hereby

ORDERED that the Scheduling Order (Dkt. No. 56) is VACATED.

IT IS FURTHER ORDERED that the following schedule shall govern this action:

DataTern's infringement contentions	March 16, 2012
Microsoft's and SAP's invalidity contentions	April 16, 2012
Exchange claim construction terms/proposed constructions	April 23, 2012

Meet and confer re claim construction	April 30, 2012
Opening claim construction briefs ¹	May 9, 2012
Expert claim construction depositions	Between May 9 and June 8, 2012
Responsive claim construction briefs	June 8, 2012
Reply claim construction briefs	July 10, 2012
Claim construction hearing	July 20, 2012, at 2:00 p.m.
Close of fact discovery	July 18, 2012
Exchange opening expert reports on the issue(s) on which the Party bears the burden	August 1, 2012
Exchange responsive expert reports	August 23, 2012
Close of expert discovery	September 14, 2012
Motions for summary judgment deadline	November 21, 2012
Opposition to motion for summary judgment	October 29, 2012
Reply, if any, in support of motion for summary judgment	November 6, 2012
Trial	December 10, 2012

SO ORDERED:

Dated: New York, New York
February 10, 2012



KATHERINE B. FORREST
United States District Judge

¹ To the extent that a Party intends to present expert evidence/testimony in connection with a claim construction issue and/or at the claim construction hearing, that Party will submit either an expert report